

REMARKS

In the Office Action mailed March 29, 2005, claims 1-8 and 24-32 were rejected under 35 USC §102 as anticipated by Linebarger (USP 6788666). Claims 9-13 were rejected under §103 as obvious in view of Lincharger and Hamada (USP 6333916). Claim 33 was rejected under §103 as obvious in view of Linebarger. Applicant respectfully traverses the rejections by amending the claims to clarify the invention and pointing out features that are not taught or suggested by the references.

Claims 14-23 were objected to as depending from a rejected base claim. Claim 14 has been rewritten in independent form and Applicant respectfully petitions for allowance of claims 14-23.

The amendments set forth herein are provided solely to clarify the invention as filed and set forth in the pending claims in order to comply with applicable statutes and regulations. The amendments are not intended to limit the invention or preclude the application of equivalents which Applicant may be entitled to under law.

Prior Art Rejections

A rejection under 35 USC §102 requires that the cited reference teach all the claimed elements. A rejection under 35 USC §103 requires that the combined references suggest the claimed combination. (MPEP 706 and 2141 et seq.).

Under the Graham test, three factors must be evaluated: the scope and content of the prior art; the differences between the prior art and the claimed invention; and the level or ordinary skill in the art. (MPEP 706 and 2141 et seq.).

Independent claims 1 and 25 are here amended to clarify that they pertain at least in part to a "ring network," and that the network nodes form "at least a portion of the ring network." These elements and features are not taught or suggested by the references.

Dependent claims 2-24 and 26-33 depend from these independent claims, respectively, and include additional elements and features not taught or suggested by the references.

Linebarger is directed to a hybrid fiber wireless communication system. Referring to Figure 1, Linebarger shows a central service node 100 where a fiber network 130 is coupled to customer premises equipment (CPE) via a link 136. Linebarger does not teach or suggest multiple nodes that cooperate in a ring network as required by the presently claimed invention. Since Linebarger does not teach or suggest the elements and features required by the claims, Applicant requests that the Examiner reconsider and withdraw the rejections with respect to the Linebarger reference.

Hamada is directed to a wireless communication system, apparatus, and method to communicate using a plurality of communication slots in time division multiple access technique. Hamada describes a technique of maintaining communications rate over a communications link. Applicant submits that Hamada does not supply the deficiencies with respect to claims 9-13 which were rejected in view of Linebarger and Hamada. Linebarger does not teach or suggest the claimed features including multiple nodes that cooperate in a ring network as required by the present claims, and Hamada does not supply the deficiencies, and skill in the art does not supply the deficiencies. Since neither Linebarger nor Hamada teach or suggest the elements and features required by the claims, Applicant requests that the Examiner reconsider and withdraw the rejections with respect to the Linebarger and Hamada references.

For these reasons, Applicant submits that the claimed invention is not taught or suggested by the references alone or in combination. Consequently, Applicant submits that the pending claims are allowable over the references. Applicant therefore requests that the Examiner reconsider and withdraw the §102 and §103 rejections.

Conclusion

Applicant has amended the claims to further clarify features that are not taught or suggested by the references. For these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of the claims.

If any matters can be resolved by telephone, Applicant requests that the Patent and Trademark Office call the Applicant at the telephone number listed below.

Customer No. 32,986
IP Strategy Group (IPSG, P.C.)
10121 Miller Ave, Suite 201
Cupertino, CA 95014
Tel: 408-257-5500
Fax: 408-257-5550

Respectfully submitted,

By: /David C. Ashby/
David C. Ashby
Reg. No. 36,432